

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL NELSON,

Plaintiff,

-against-

PERKIN ELMER, INC. and ROBERT F. FRIEL,

Defendants.
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JOAN M. AZRACK, United States District Judge:

By order dated September 18, 2019, (the “Order”), *pro se* plaintiff Michael Nelson (“Plaintiff”) was advised that, pursuant to Federal Rule of Civil Procedure 4(m), he was required to serve the summons and complaint on the defendants by November 29, 2019. The Order also advised Plaintiff that, if service was not made by that date, or he failed to show good cause why service has not been effected, the complaint would be dismissed without prejudice. Plaintiff was ordered to file proof of service with the Court, but, to date, he has not filed proof of service nor has he otherwise communicated with the Court. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Although Plaintiff paid the filing fee to commence this action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that, should he seek *in forma pauperis* status for the purpose of an appeal, any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of the Court is directed to mail a copy of this order to the Plaintiff at his last known address and to mark this case closed.

SO ORDERED.

Dated: January 23, 2020
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge

FILED
CLERK

1/23/2020 3:10 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER
19-CV-4973 (JMA)(SIL)